

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
	§	
v.	§	No. A-22-CR-00118-LY
	§	
DENIS CRUZ,	§	
<i>Defendant</i>	§	

ORDER

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I have considered the evidence and proffers presented during the hearing, the pleadings on file, the recommendation of Pretrial Services, and the four factors set out in the Bail Reform Act, 18 U.S.C. § 3142(g). In light of all of this, I find that the record establishes (1) by a preponderance of the evidence that no combination of conditions will reasonably assure the defendant's presence as required, and (2) by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

The reasons for my decision include, in particular:

- the nature and circumstances of the offense charged, in particular, illegal reentry by an alien after previous deportation;
- the weight of the evidence against the person, namely, documentary evidence and testimony establishing that Defendant had previously been deported and did not have permission to return to the United States;
- the history and characteristics of the person, including his lack of ties to the community, stable housing, and employment; the fact that at the time of his arrest, Defendant was on release pursuant to the deferred adjudication

of a charge for aggravated assault with a deadly weapon arising out of Harris County; and his history of providing false or fictitious identifying information to law enforcement; and

- the nature and seriousness of the danger to any person or the community that would be posed by the person's release, in particular, his history of violence, drug abuse, and mental health issues.

This record establishes (1) by a preponderance of the evidence that no combination of conditions will reasonably assure the defendant's presence as required, and (2) by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED June 9, 2022.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATGE JUDGE